

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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LILIANA RADULESCO  
502 CAPEN BOULEVARD  
AMHERST, NEW YORK 14225

Plaintiff,  
vs.

**SUMMONS**

**Index No.**

CARRABBA'S ITALIAN GRILL, LLC  
1645 NIAGARA FALLS BOULEVARD  
AMHERST, NEW YORK 14228

CARRABBA'S ITALIAN GRILL, LLC d/b/a  
CARRABBA'S ITALIAN GRILL  
1645 NIAGARA FALLS BOULEVARD  
AMHERST, NEW YORK 14228

BLOOMIN' BRANDS, INC.  
2202 N. WEST SHORE BLVD, SUITE 500  
TAMPA, FLORIDA 33607

Defendants.

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**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** and required to serve upon plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is the location of the residence of plaintiff:

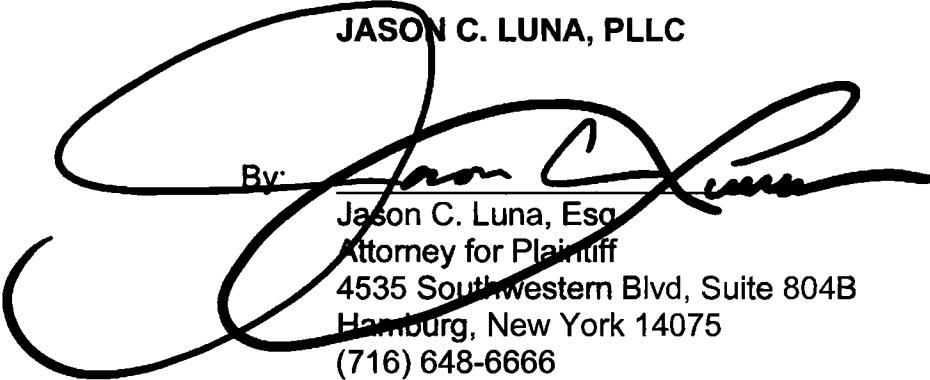
502 CAPEN BOULEVARD, AMHERST, NEW YORK 14225

DATED: Hamburg, New York  
September 20, 2021

Yours, etc.,

JASON C. LUNA, PLLC

By:

  
Jason C. Luna, Esq.  
Attorney for Plaintiff  
4535 Southwestern Blvd, Suite 804B  
Hamburg, New York 14075  
(716) 648-6666

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE  
\*\*\*\*\*

LILIANA RADULESCO

Plaintiff,  
vs.

**COMPLAINT**  
**Index No.**

CARRABBA'S ITALIAN GRILL, LLC  
CARRABBA'S ITALIAN GRILL, LLC d/b/a  
CARRABBA'S ITALIAN GRILL  
BLOOMIN' BRANDS, INC.

Defendants.

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Plaintiff, above-named by her attorneys JASON C. LUNA, PLLC, for her  
complaint against defendants, above-named, allege upon information and belief:

1. At all times herein relevant, Plaintiff has been a resident of the County of Erie and State of New York.
2. At all times herein relevant, defendants were residents of the County of Erie and State of New York.
3. At all times herein relevant, defendants were authorized to conduct business in the State of New York and did in fact conduct business in the State of New York.
4. At all times herein relevant, defendants have been a domestic corporation duly authorized to do business in the State of New York and has conducted business in the State of New York.

5. At all times herein relevant, defendants have been a foreign corporation duly authorized to do business in the State of New York and have conducted business in the State of New York.

6. At all times herein relevant, defendant CARRABBA'S ITALIAN GRILL, LLC. has been a foreign corporation duly authorized to do business in the State of New York and has conducted business in the State of New York.

7. At all times herein relevant, defendant CARRABBA'S ITALIAN GRILL, LLC. d/b/a CARRABBA'S ITALIAN GRILL has been a foreign corporation duly authorized to do business in the State of New York and has conducted business in the State of New York.

8. At all times herein relevant, defendant BLOOMIN' BRANDS, INC. has been a foreign corporation duly authorized to do business in the State of New York and has conducted business in the State of New York

9. On or about September 23, 2018, the defendants committed a tortious act within the State of New York.

10. On or about September 23, 2018, defendants were the lessees in possession of real property located at 1645 Niagara Falls Boulevard, located in the town of Amherst, County of Erie, State of New York 14226 (hereinafter referred to as "Carrabba's Italian Grill").

11. That prior to and as of September 23, 2018, defendants were responsible for the operation, maintenance and upkeep of said premises including floors, aisles and walkways of the property commonly known Carrabba's Italian Grill located at 1645 Niagara Falls Boulevard, located within the Town of Amherst,

County of Erie, State of New York and were obligated to maintain said premises in a reasonable safe condition and to keep said premises free from defect or dangerous condition.

12. On or about September 23, 2018, plaintiff, LILIANA RADULESCO was lawfully upon the premises commonly known as Carrabba's Italian Grill located at 1645 Niagara Falls Boulevard, and located within the Town of Amherst, County of Erie, State of New York.

13. On or about September 23, 2018 plaintiff LILIANA RADULESCO was caused to slip and fall on a greasy substance on the floor, specifically in a walkway and/or aisle of Carrabba's Italian Grill located at 1645 Niagara Falls Boulevard, located within the Town of Amherst, County of Erie, State of New York and sustained injury.

14. That the plaintiff was at all times using due care.

15. That said incident was due to the negligence and carelessness of the defendants herein.

16. Upon information and belief, the negligence of the defendants, their agents, servants, employees and/or representatives consisted of failing to properly and adequately maintain the premises; causing and allowing a dangerous and defective condition to exist; causing and allowing hazardous and slippery conditions to exist; and failing to provide a safe place for persons to walk on said premises; failing to warn plaintiff and others of the dangerous and slippery condition; and were otherwise careless and negligent.

17. That by reason of the premise, plaintiff LILIANA RADULESCO suffered certain severe, permanent and painful injuries, internal as well as external, by reason of which she will be compelled to expend large sums of money for medical bills; and that the plaintiff has been and will be incapacitated from performing her usual duties for a long period of time, all to her damage against the defendants pursuant to CPLR 3017, in an amount which exceeds the monetary jurisdictional limits of all lower Courts in the State of New York.

18. The limitations on liability set forth in CPLR Article 16 do not apply herein; one or more of the exemptions set forth in CPLR §1602 applies.

19. Defendants or defendants' agents, employees and/or servants had notice of the aforementioned defective and dangerous condition.

20. Defendants or defendants' agents, employees and/or servants created the aforementioned defective and dangerous condition.

**WHEREFORE**, plaintiff demands judgment against defendants, jointly and severally, in an amount which exceeds the monetary jurisdictional limits of all lower Courts in the State of New York together with damages for economic and non-economic losses, and plaintiff demands such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED:      Hamburg, New York  
September 2, 2021

Yours, etc.,

**JASON C. LUNA, PLLC**



JASON C. LUNA, ESQ.  
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